

AMENDED IN ASSEMBLY JANUARY 4, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1207**

**Introduced by Assembly Member Yee**

February 22, 2005

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~~An act to amend Section 24072 of the Business and Professions Code, relating to alcoholic beverages. An act to amend Section 20440 of the Elections Code, relating to elections.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1207, as amended, Yee. ~~Alcoholic beverages: licenses: transfers. Code of Fair Campaign Practices.~~

*Existing law requires that, at the time an individual is issued his or her declaration of candidacy, nomination papers, or other paper evidencing an intention to be a candidate for public office, the elections official provide the individual with a form that the individual may voluntarily sign, titled the "Code of Fair Campaign Practices." Among other things, the Code of Fair Campaign Practices sets forth specified conduct in which the individual pledges not to engage in his or her election campaign.*

*This bill would add to the pledge contained in the Code of Fair Campaign Practices that the individual shall not use or permit any appeal to negative prejudice based on sexual orientation or gender identity.*

~~The Alcoholic Beverage Control Act sets forth the procedures for applying for a liquor license. Existing law also establishes the procedures for the transfer of an existing liquor license. Existing law contains a schedule of fees that apply to specified transfers of liquor licenses.~~

~~This bill would make a technical, nonsubstantive change to the provision that sets forth the fees for transfers of liquor licenses to eliminate a reference to a code section that has been repealed.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 20440 of the Elections Code is amended  
2     to read:

3     20440. At the time an individual is issued his or her  
4     declaration of candidacy, nomination papers, or any other paper  
5     evidencing an intention to be a candidate for public office, the  
6     elections official; shall give the individual a blank form of the  
7     code and a copy of this chapter. The elections official shall  
8     inform each candidate for public office that subscription to the  
9     code is voluntary.

10    In the case of a committee making an independent expenditure,  
11    as defined in Section 82031 of the Government Code, the  
12    Secretary of State shall provide a blank form and a copy of this  
13    chapter to the individual filing, in accordance with Title 9  
14    (commencing with Section 81000) of the Government Code, an  
15    initial campaign statement on behalf of the committee.

16    The text of the code shall read, as follows:

17           “CODE OF FAIR CAMPAIGN PRACTICES

18    There are basic principles of decency, honesty, and fair play  
19    which every candidate for public office in the State of California  
20    has a moral obligation to observe and uphold, in order that, after  
21    vigorously contested, but fairly conducted campaigns, our  
22    citizens may exercise their constitutional right to a free and  
23    untrammeled choice and the will of the people may be fully and  
24    clearly expressed on the issues.

25    THEREFORE:

26    (1) I SHALL CONDUCT my campaign openly and publicly,  
27    discussing the issues as I see them, presenting my record and  
28    policies with sincerity and frankness, and criticizing without fear  
29    or favor the record and policies of my opponents or political  
30    parties ~~which~~ that merit ~~such~~ this criticism.

(2) I SHALL NOT USE OR PERMIT the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.

(3) I SHALL NOT USE OR PERMIT any appeal to negative prejudice based on race, sex, religion, national origin, *sexual orientation, gender identity*, physical health status, or age.

(4) I SHALL NOT USE OR PERMIT any dishonest or unethical practice ~~which that~~ tends to corrupt or undermine our American system of free elections, or ~~which that~~ hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.

(5) I SHALL NOT coerce election help or campaign contributions for myself or for any other candidate from my employees.

(6) I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE support deriving from any individual or group ~~which that~~ resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics ~~which that~~ I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.

(7) I SHALL DEFEND AND UPHOLD the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.”

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

~~SECTION 1. Section 24072 of the Business and Professions Code is amended to read:~~

~~24072. The following transfer fees shall be charged by the department:~~

~~(a) The fee for transfer of a license other than a retail license from a licensee to another person is a fee equal to 70 percent of~~

1 the annual fee for the license, except as provided in Section  
2 24071.

3 (b) The fee for transfer of a retail license from a licensee to  
4 another person is a fee equal to 50 percent of the original fee for  
5 the license, but not to exceed one thousand two hundred fifty  
6 dollars (\$1,250), or if no original fee is provided for by law, one  
7 hundred dollars (\$100).

8 (c) Except as provided in Section 24082, the fee for transfer of  
9 a license from one premises to another premises is one hundred  
10 dollars (\$100).

11 (d) Notwithstanding the other fee provisions of this section,  
12 the fee for a transfer of an off-sale general license from one  
13 county to another county shall be six thousand dollars (\$6,000).

14 (e) The fee for transfer of an on-sale or off-sale retail license  
15 to include the mother, father, son, or daughter of a licensee, when  
16 no consideration is given for such transfer, shall be one-half of  
17 the regular fee for transfer of a license from a licensee to another  
18 person, as provided by this section.

19 All money collected from the fees provided for in this section  
20 shall be deposited in the Alcohol Beverage Control Fund as  
21 provided in Section 25761.